Translation





PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference					
M/46082-PCT	FOR FURTHER ACTION	See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)			
International application No.	International filing date (day/mo	· , , , , , , , , , , , , , , , , , , ,			
PCT/EP2003/012483	08 November 2003 (08.1	1.2003) 12 November 2002 (12.11.2002)			
International Patent Classification (IPC) or n A01N 57/20	tional classification and IPC				
Applicant					
·	BASF AKTIENGESELLS	CHAFT			
 This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36. 					
2. This REPORT consists of a total of	4 sheets, including	this cover sheet.			
	ied by ANNEXES, i.e., sheets of t sis for this report and/or sheets co 607 of the Administrative Instruct	the description, claims and/or drawings which have ontaining rectifications made before this Authority cions under the PCT).			
These annexes consist of a to					
3. This report contains indications relat	ng to the following items:				
I Basis of the report					
II Priority					
III Non-establishment	of opinion with regard to novelty,	inventive step and industrial applicability			
IV Lack of unity of inv	ention				
V Reasoned statement citations and explan	under Article 35(2) with regard to ations supporting such statement	o novelty, inventive step or industrial applicability;			
VI Certain documents	ited	•			
VII Certain defects in the international application					
VIII Certain observation	s on the international application				
Date of submission of the demand		mpletion of this report			
10 May 2004 (10.05.20		04 November 2004 (04.11.2004)			
Name and mailing address of the IPBA/EP	Authorized	l officer			
Facsimile No.	Telephone	No.			

Form PCT/IPEA/409 (cover sheet) (January 1994)

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

In	onal application No.
	PCT/EP2003/012483

I. Basis of	f the	report				
1. This report has been drawn on the basis of (Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments.):						
D	<u> </u>	the international	application as originally filed.			
	- 	the description,	pages1-15	, as originally filed,		
_	3	•	pages	, filed with the demand,		
			pages	, filed with the letter of,		
			pages	, filed with the letter of ·		
	$\overline{\lambda}$	the claims,	Nos. 1-6	, as originally filed,		
			Nos.	, as amended under Article 19,		
			Nos.	, filed with the demand,		
			Nos	, filed with the letter of,		
			Nos.	, filed with the letter of		
1 [the drawings,	sheets/fig	, as originally filed,		
			sheets/fig	, filed with the demand,		
			sheets/fig	, filed with the letter of,		
			sheets/fig	, filed with the letter of		
2. The an	nendı	ments have result	ed in the cancellation of:			
		the description,	pages			
		the claims,	Nos			
		the drawings,	sheets/fig			
	and t					
3.	to go	beyond the discl	osure as filed, as indicated in the	nendments had not been made, since they have been considered e Supplemental Box (Rule 70.2(c)).		
4. Additi	onal	observations, if n	ecessary:			
		•				
			·			

NO

Reasoned statement under Article 3 citations and explanations supporti	ng such statement	lty, inventive step or industrial applica	ability;
Statement			
Novelty (N)	Claims	3, 6	YES
	Claims -	1, 2, 4, 5	NO
Inventive step (IS)	Claims		YES
	Claims	1-6	NO
Industrial applicability (IA)	Claims	1-6	YES
	Claims		NO

2. Citations and explanations

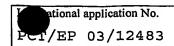
This report makes reference to the following document cited in the international search report:

D1: RAMSDALE B K ET AL: 'Glyphosate tank-mixed with insecticides or fungicides", RES. REP. NORTH CENT. WEED SCI. SOC. (59, 280-83, 2002), XP001180180, University North Dakota State

Document D1 discloses mixtures that contain a glyphosate derivative and pyraclostrobin (Headline) or azoxystrobin (Quadris). According to D1, the combination of glyphosate derivative and pyraclostrobin has a synergistic effect on wheat, barley, oats and millet. Consequently, D1 appears to be prejudicial to the novelty of claims 1, 2, 4 and 5 (PCT Article 33(2)). The subject matter of claims 3 and 6appears to be novel over D1.

The present application should be considered to address the problem of finding mixtures that can be used to increase the yield of leguminous plants having modified resistance against glyphosate and its esters and salts.

The solution proposed in the application consists in the use of glyphosate and strobilurins, in particular



pyraclostrobin.

However, the synergistic properties of compositions that contain glyphosate derivatives and pyraclostrobin are already known from D1.

Moreover, D1 discloses synergistic mixtures that contain a glyphosate derivative and propiconazol. Consequently, D1 suggests the subject matter of claims 1-6 (PCT Article 33(3)).

According to D1, the mixture of glyphosate derivative and azoxystrobin has an antagonistic rather than a synergistic effect. Consequently, in view of D1, not all strobilurin derivatives appear to be suitable for solving the problem in question (PCT Article 33(3)).

Formal objections

- In view of formula II on page 7 of the description, the term "a glyphosate derivative II" in claims 1, 4 and 5 appears to be misleading.
- At present, the application does not meet the requirements of PCT Rule 5.1(a) because the description does not cite D1.